

Meeting of 2006-2-28 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 28, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
 COL Sonny Uberti, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by the Chaplain Carl Johnston, 95th AG Battalion, followed by the Pledge of Allegiance.

PRESENTATION OF FLAGS BY GIRL SCOUTS OF LAWTON FT-SILL

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two

Janice Drewry, Ward Three
Keith Jackson, Ward Four

Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

CERTIFICATE OF APPRECIATION TO KSWO AND NEIL WRIGHT

Jill Baker, Internal Auditor, introduced Neil Wright from KSWO Television. She stated Mr. Wright was instrumental in helping put together a public service message entitled Cart Smart which can now be viewed on the citywide website. She thanked Mr. Wright for helping put together a very professional looking product.

Mayor Purcell stated he would like to recognize Mr. Wright for all his hard work, a lot of which was on his own time. The Mayor presented a Certificate of Appreciation to Mr. Wright.

PROCLAMATION FOR READ ACROSS AMERICA

Mayor Purcell proclaimed March 2, 2006 as Read Across America Day. He presented the proclamation to David Snider, Library Director and Linda Clevering, Lawton Public Library.

PROCLAMATION FOR GIRL SCOUT WEEK

Mayor Purcell proclaimed March 12-18, 2006 as Girl Scout Week. He presented the proclamation to members of the Lawton-Fort Sill Girl Scouts. He thanked the group for the presentation of the flags.

AUDIENCE PARTICIPATION:

Marsha Moody, 16 SW 50th, stated she has concerns regarding the proposed apartment complex on NW 52nd Street. She realizes that the area is already zoned, however it is a neighborhood of one story buildings. She stated the process failed at some point. She is concerned about the type of construction and that the structure will be three stories. This is not the first instance of residents being faced with commercial structures being built right behind them and she realizes this will not be solved tonight. Buildings are destroying the quality of life in Lawton. They need to look closer at where these structures will be placed. She thanked the City Council and employees from the City of Lawton for their response to every concern she has had.

Harvey McBride, 509 SW 45th Street, stated he has lived in his home for 33 years. He cannot understand how a single family neighborhood can turn into a commercial development with a 300-plus apartment complex. He stated the city has other areas they could build this complex.

Sheila Laubrey, 112 SW 45th Street, stated she takes care of a disabled mother and a disabled child. There will be no privacy in her backyard even with a privacy fence. The apartment residents will see directly down into her backyard. She distributed photos of the work done in the area. She stated she has seen workers urinating in the field. They show no respect for the residents of the neighborhood.

Mary Nickell, 4555 SW G, stated she has to take her dogs out in her backyard on a leash because there are workers urinating next to her home. She has no privacy even with a fully fenced yard. She will have to move if this complex is built.

Rose Keathley, 92 SW 45th, stated the developer wants to put the entrance right next to her home. They have had problems with cars parking at her home. She already has security cameras outside her home.

Amy Rivera, 96 SW 45th, stated the workers use the restroom on her back fence. She stated with 228 apartments there will be 228 cars going up and down her street. At the end of the street is the LPS ball field. When there is a game, people will park on their street. The street is already congested and 52nd Street and 45th Street is not equipped for more cars. At the corner of Cherokee there is no stop sign. She has three small children and this is a big concern.

Haywood stated the ball fields belong to the City of Lawton Parks and Recreation Department.

Mayor Purcell stated there will be adequate parking for the residents in this complex. He stated the Police Chief and the City Manager have heard these complaints. He is sure that they will send people out there tomorrow to address the disorderly conduct complaints. This needs to be stopped immediately.

Mitchell stated his office requested a police officer go out to the site and the foreman promised they would have portopotties delivered.

Shanklin stated he has heard all over town that Lawton needs 6,000 units to be ready for BRAC and they are going to back anyone who wants to build that 6,000 units. He doesn't believe that, but that is what is happening right now. Residents are going to see those apartments.

Lauren Dickey, 100 SW 45th, stated she has two children at Eisenhower and she is concerned that the school district cannot handle more children. More children mean less for her children. She also cannot imagine more congestion put on 52nd Street and the danger of the kids crossing the street. She stated there are other locations better suited to build apartment complexes. She is also concerned about her property values.

Jim Rush, 114 SW 45th, stated he got this mess voted down a few years ago and now it seems no one knows what is going on out there. There is a big mess out there because the workers throw trash all over the place.

Shanklin stated other people own that land and the City Council cannot tell them what to do with it. The property was already zoned. He would not like the situation if he lived there, but the City Council cannot stop the project. When they see vacant land all over Lawton, in time something will be built there. He was told that at the new apartments at 68th and Gore, only two children from the complex were added to that school system. These are young military couples that have not started their family. He stated they will have to look at what to do about 52nd Street.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF FEBRUARY 14, 2006.

MOVED by Givens, SECOND by Drewry, to approve the Minutes of February 14, 2006. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA

MOVED by Warren, SECOND by Givens, to approve the Consent Agenda items as recommended. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Fred & Jill Baker in the amount of \$97.50, Lester & Carolyn Mayes in the amount of \$1,430.00 (**Resolution 06-47**), Perry Mansell in the amount of \$734.74 (**Resolution 06-48**), and Shirl Robinson in the amount of \$10.00. Exhibits: Legal Opinions/Recommendations.

2. Consider the following damage claim recommended for denial: Grady & Sharon Greene in the amount of \$75.00. Exhibits: Legal Opinion/Recommendation.
3. Consider issuing a revocable permit for the installation of an ornamental retaining wall at 2607 NW Lake Ridge Drive. Exhibits: Application and site plan.
4. Consider approving submission of the Library Long Range Plan to the Oklahoma Department of Libraries. Exhibits: Long Range Plan is on file in the City Clerk s office.
5. Consider approving a request to enter into a memorandum of understanding with the Great Plains Technology Center (hereinafter GPTC) and the City of Lawton authorizing the utilization of the GPTC as a training facility for the Lawton Police Department. Exhibits: Copy of the Memorandum of Understanding .
6. Consider authorizing a request to enter into a memorandum of understanding between the City of Lawton and the Oklahoma State Bureau of Investigation for the purpose of sharing information through the Statewide Criminal Justice Portal and Information Sharing Program funded by the Oklahoma Office of Homeland Security. Exhibits: Memorandum of Understanding is on file in the City Clerk s Office.
7. Ratify the Lawton Water Authority s action to file application with the Oklahoma Water Resources Board for financial assistance through the drinking water SRF loan program and/or financial assistance program, for the purpose of financing the expansion and improvement of the authority s water system; and containing other provision related thereto. Exhibits: None.
8. Consider adopting **Street Light Resolution No. 442** to authorize the replacement of one (1) 100 Watt street light with one (1) 150 Watt street light as detailed below. Exhibits: Street Light Resolution No. 442.
9. Consider adopting a Resolution authorizing the installation of traffic control measures on the 2600 block of NW 46th Street, the 5000 block of NW Country Club Drive, and NW corner of SW 3rd Street & A Avenue intersection. Exhibits: Traffic Commission Minutes and **Resolution No. 06-49**.
10. Consider approving plans and specifications for the NW Hunter Road & NW 72nd Street Reconstruction Project #2005-16 and authorizing staff to advertise for bids. Exhibits: None.
11. Consider awarding a construction contract to Barnett Paving & Sealing, LP for the Arterial Street Repair Project #2005-3. Exhibits: None
12. Consider awarding (CL06-036) Thermoplastic Material to Swarco Industries, Incorporated of Columbia, Tennessee. Exhibits: Abstract of bids and department recommendation.
13. Consider awarding (CL06-037) Wrecker Service to American Wrecker and Salvage, of Lawton, Oklahoma. Exhibits: Abstract of bids and department recommendation.
14. Consider approving the contract extension (CL04-043) Electric Motor Repair with J & W Electric Motor Company of Lawton, Oklahoma. Exhibits: Department Recommendation Contract Extension Form, Abstract of Bids
15. Consider approving appointments to boards and commissions. Exhibits: None.
16. Consider approval of payroll for the periods of January 30-February 12, 2006. Exhibits: None.

BUSINESS ITEMS:

17. Consider accepting the annual audit report of the City of Lawton for the year ending June 30, 2005. Exhibits: Copies of the audit report will be distributed at the Council meeting.

Rick Endicott, Finance Director, distributed the audit including the statements, letter of audit communication and the single audit. He stated he was very pleased with how the audit went this year. He hoped the audit will give the City Council the information they need to evaluate how the city is doing.

Mike Crawford, Crawford and Associates, stated he hoped the City Council will take the time to read the audit report. They developed the financial statement format nationally two or three years ago and have gotten a good response. He reviewed pages 8 and 9 of the audit report which is the overall summary. He stated as they see this rating system in future years, they can track trends and see the information on an ongoing basis.

Shanklin questioned the performance rating of 9.5. He questioned what was meant by financial performance.

Crawford stated they track about four or five different ratios. Did the net assets increase, decrease or remain steady. Last year there was about a \$14 million increase in net assets. That is the amount the resources exceeded the costs.

Shanklin questioned how many other cities they work with.

Crawford stated they serve about 50 cities in Oklahoma. They work with cities all around the United States and the Pacific Trust territories of the U.S.

Shanklin questioned what was the per capita expenditure in Lawton compared to Norman.

Crawford stated they do not measure the per capita revenues or the per capita expenditures. It is not a valuable ratio in their analysis.

Shanklin questioned if Mr. Crawford agreed that some cities have more money to spend per individual than others.

Crawford stated that all they are measuring are three elements: financial condition, performance and capability. Whether you have more resources per capita than another city does not impact those three ratios. It is valuable information to know, but it does not affect their financial analysis.

Shanklin stated he did not know whether or not they even considered that information.

Patton stated the financial capability rating of 5.4 is a little disturbing. He questioned how can they correct this.

Crawford stated there is not a lot they can do to correct this. What they measure in financial capability is how much of the legal debt capacity do they have left. The only way to control this is to issue less debt that is covered by that capacity. They compare the sales tax rates to what they normally see across the state. They have benchmarks of what are the levels where they see voters starting to not adopt those increases. The higher the sales tax rate is to that benchmark the lower the rating. They also consider how much debt service they already have compared to the total expenditures. Those are the ratios they look at and the only way to control them is to have a lower tax per capita and lower sales tax rate. He stated he would not be too worried about the mid point rating of 5.4. He has some cities that are well below a 5 rating. He told the City Manager they could look at a summary of all the communities and break them out by population and compare the ratios so they can see where Lawton would fit among the others. He promised they would get that done this year and make it available to all of their cities. He stated this analysis does not evaluate how well a city keeps up with infrastructure. This is just a financial analysis, not a is it a pleasant community analysis. A lot of those cities who have those high financial capability ratings are deferring things they should be taking care of.

Shanklin stated he would like to be able to compare Lawton to other cities. Why does Stillwater have \$1,800 a citizen and Lawton has around \$600.

Mitchell stated Stillwater has electric utility service and they receive a huge revenue stream out of their electric distribution.

Shanklin stated he looked at those revenue streams and they are no greater than our water, sewer and sanitation.

Crawford stated they would be surprised if they compare the cities with their own electric utility to those that don't, you will see a difference. The dollars are more significant, the margins are higher and it does create additional revenue.

Givens stated on page 53, the unfunded pension balance has doubled in the last couple of years. Should they be concerned?

Crawford stated yes. The City Manager, Finance Director and Pension Board are aware of the situation. They talked about this issue at length during the exit conference. This clearly is an issue that needs to be watched. When the investment fair values dropped three or four years ago, everyone's pension plan percentage coverage dropped. Right now we are at 82% in terms of a funded ratio. It has been in the 80's ever since the late 1990's. This is a trend. The longer we stay in the 80 percentile, the less chance of getting this plan fully funded without changing contributions, changing benefits or both. The retirement committee does need to look at this pretty seriously. This is an obligation that will not go away and if the market value of investments just doesn't have a shot the other direction, this will not recover without increased contributions or a change in benefits.

Mitchell stated minor corrections were made last year and they don't feed into this at this point. They are not seeing the impact of those changes now, but when they start looking at 2007, they will start seeing the impact. If that number does not move at all by the time of the next assessment, there is a problem.

Crawford stated he agrees with that opinion. If changes have been made since the 2005 actuarial, give it one more actuarial. If it is still in the low 80 s, it is not working.

Mayor Purcell stated the entire financial staff should be commended. The auditor reported that no disagreements with management arose during the course of the audit. He stated this is highly unusual. There also were no matters involving internal control over financial reporting and operations that were considered material weaknesses. There also was no instance of noncompliance or other matters that are required to be reported under GAS or government auditing standards. He stated they owe a big round of applause to Rick Endicott and the entire financial staff for coming out so clean on the audit.

Crawford stated this report was tough to do. When they evaluated what should be in the report, it lacked the reporting of about five or six of the trust authorities that should have been brought into this report. So, in addition to putting this report together for the City of Lawton, they brought in the public trusts as what they call component units. This took a lot of time and the help they received from city staff was greatly appreciated.

Andy Cromer, Arledge and Associates, stated they have a similar arrangement with the Crawfords on a number of cities where they act more as a consultant and put the report together. He reviewed the Letter of Audit Communication. He stated when they conduct an audit they do not look at every transaction. It is simply not possible from an economic standpoint. They look at any areas that may be of concern. He reviewed the Single Audit Reports and Supplemental Schedules.

Patton questioned under the Disagreements with Management if he met with the Finance Director or does he meet with the director of each department.

Cromer stated it would be on the level of the Finance Director rather than the departmental level. He stated there is a difference between a disagreement and a discussion.

Endicott thanked Laura Smith and her staff for getting the audit done.

Patton questioned if there was someone that is looking at every single department and every single transaction that is being done.

Mitchell stated there are internal controls as well as a very capable finance department that reviews each transaction. There is also an internal auditor who tracks all of the contracts and keeps inventory of all equipment.

Patton questioned if there is regular communication with the department heads.

Mitchell stated there are regular staff meetings to discuss these types of issues.

Endicott stated within the finance department they take measures to make sure the controls are effective. There is a lot of review in the purchasing process between the supervisor, Finance Director, City Manager and department director. The Finance Department does not do internal audits of their own work. They leave that up to an independent source.

Patton questioned if the situation that happened at Lawton Public Schools could happen at the City of Lawton.

Endicott stated there could be a breakdown in controls and it could take some time to find out if something fraudulent has occurred. He stated he was the internal auditor for twelve years and they knew some fraud was going on in revenue services. It took about a year to actually prove and take to prosecution. That embezzlement had been going on for several years.

Patton stated in light of the incident at LPS, that would be something to be careful of.

Endicott stated there would have to be some serious collusion between a lot of people.

Mitchell stated as an example, the payroll is split between finance, human resources and a payroll clerk. There is no one person that controls everything that happens with payroll.

Endicott stated that over the past fifteen years there has been a significant understanding that there needs to be a segregation of duties.

Warren stated he really appreciated the great job of the staff.

MOVED by Warren, SECOND by Givens, to accept the annual audit report of the City of Lawton for the year ended June 30, 2005. AYE: Jackson, Shanklin, Haywood, Warren, Shoemate, Givens, Drewry. ABSENT: Patton. NAY: None. MOTION

CARRIED.

18. Consider approving plans and specifications for the Southeast Water Treatment Plant Project and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Public Works Administration office.

Jerry Ihler, Public Works Director, stated as part of the 2005 Capital Improvements Program, the citizens of Lawton approved the funding for the construction of the Southeast Water Treatment Plant Phase I. Phase I would consist of a ten million gallon a day water treatment plant located at SE 15th and Coombs Road. The plans and specifications are complete and staff is ready to move on to the next phase and begin the advertisement process. As part of the Oklahoma Water Resources Board funding, they have to have City Council approval of plans and specifications. They will not go out to advertise until they have OWRB approval of the plans as well as the application for the funding.

Shanklin stated he had several questions for Murry Fleming from CH2M HILL. He stated CH2M HILL has contracts all over and he questioned how often they had contracts let out when they only have one bidder. Does it happen very often?

Fleming stated no.

Shanklin stated that is what happened at the Medicine Park plant.

Fleming stated they had two bidders for that project.

Shanklin questioned why they only worked with one guy.

Ihler stated after they awarded the contract the City Council asked staff to go back and try to work through and see if there were some areas that they could reduce the contract amount without affecting the quality of the product with regards to construction. They were short some funds in the whole program.

Shanklin read from the City Council minutes and stated he had a problem that they went from chlorine to ozone. The minutes reflected that Mr. Fleming stated when they did the study on the Medicine Park plant the cost of \$18.2 million was given for bringing it up to 35 using chlorine. Using ozone it would be \$25.8 million. We blew \$7.5 to get to ozone.

Fleming stated that may have been capital costs but they also included the twenty years of operation and maintenance costs to come up with a present worth cost.

Shanklin stated the chemical cost for the chlorine dioxide option over a twenty-year period and the other option is a dead heat.

Fleming stated when you add them up and get a present worth cost they are a dead heat. He stated in looking at the conceptual design report from 2000 and the three alternatives were about \$58 million, \$61 million and \$62 million present worth. At that level of cost estimate, those are all essentially the same number when you are looking at capital cost over a twenty-year period.

Shanklin questioned if capital was the plant itself.

Fleming stated yes.

Shanklin stated they spent \$7.5 million to get to ozone and ozone should have been cheaper if it is going to measure out after twenty years.

Fleming stated compared to chlorine dioxide it was less per year.

Shanklin stated ours is more. We are paying more for ozone than we were for chlorine.

Fleming stated he does not know how they would know what they would be paying for chlorine dioxide now because they do not have that bill. Those were estimates of both of those chemical approaches at that time. There has been significant cost increases in all chemicals since that time.

Shanklin stated his only concern is that they blew \$7.5 million more, but yet the ozone cost is greater. We are never going to get that back.

Warren questioned if the cost of chemical Mr. Shanklin is looking at was for the old way they did things.

Shanklin stated yes.

Warren stated that is three different numbers that he is trying to compare.

Shanklin stated in 2003-2004 they went to \$1 million in the budget for chemicals, even though they didn't get it until the middle of the year. The year preceding that was \$520,000. Chemicals now are at \$660,000 in 2005-2006 and those are ozone. It is still a little bit more than chlorine. Where will we ever recoup the \$7 million.

Fleming stated if they had ever actually gone with chlorine dioxide, those costs would be higher now than what was in that estimate. Both those costs were elevated.

Shanklin questioned if there was chlorine ozone out there.

Ihler stated chlorine dioxide is what they do not have. Prior to construction they had chlorine, not chlorine dioxide.

Shanklin stated if the ozone is not going to be cheaper why do they want to spend \$7 million more for capital.

Warren stated if they were using the chlorine dioxide now it would be more expensive than ozone. He stated Mr. Shanklin is comparing ozone to chlorine that they used to use. They cannot use chlorine anymore because of the safe drinking act. You cannot compare chlorine and chlorine dioxide.

Fleming stated they cannot use chlorine anymore because they cannot meet the regulations and they had to go to one of the three alternatives.

Shanklin questioned why it stated chlorine in the minutes.

Fleming stated chlorine dioxide is different from chlorine. Nothing in the report from CH2M HILL addressed a chlorine plant. It was chlorine dioxide, ozone or membranes. They knew they could not continue with chlorine as a primary disinfectant.

Mayor Purcell stated it appears that when the minutes were done, there was no distinction between chlorine and chlorine dioxide. They were talking about chlorine dioxide.

Shanklin stated that meant that chlorine dioxide was at \$18.2 million and ozone is at \$25.8 million.

Fleming stated yes, from a capital cost. But the chlorine dioxide yearly operating cost is more than the ozone. When you take twenty years present worth, it came out essentially to be the same. They chose ozone because some of the better treatment qualities.

Mayor Purcell stated the price of all the capital plus ozone over a twenty-year period came out the same as the lower cost of the plant with the much higher cost of the chlorine dioxide. In total, the whole package came out the same.

Shanklin questioned if ozone was cheaper than chlorine dioxide.

Mayor Purcell stated Mr. Shanklin is asking if chlorine dioxide is the same cost today as ozone. The answer is no, ozone is a lot less, leaving out the cost of the plant.

Fleming stated the operational cost is less for ozone than chlorine dioxide.

Shanklin stated he did not understand why they would spend \$7 million more to build a plant to handle ozone rather than the chlorine dioxide. But at the end it is the same.

Warren stated with ozone, they have the advantage of not having to retreat for taste.

Shanklin stated he had no problem putting this out for bid, but he does not want to get in a trap where they have one contractor.

Fleming stated it appears that with the number of jobs that are about to be advertised this spring, they shouldn't get into the same situation as Medicine Park when the construction industry was at a full tilt and they had a hard time finding bidders. He has had a lot of interest in this project.

MOVED by Warren, SECOND by Givens, to approve the plans and specifications for the Southeast Water Treatment Plant Project and authorize staff to advertise for bids. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

19. Consider project management and quality assurance/quality control services for the Southeast Water Treatment Plant Project and amending the agreement dated March 26, 2002 with CH2M Hill, Inc. Exhibits: Letter dated February 14, 2006 from CH2M Hill, Inc. and Proposed Amendment #4 to agreement dated March 26, 2002.

Ihler stated this item will determine which alternative they want to utilize for the quality control and quality assurance for the construction of the southeast plant. In the agenda packet there are four alternatives that basically deal with all of it being from a third independent party contractor which would be somewhere in the area of \$900,000 to \$1 million or contracting it all out to CH2M HILL who had given a price of \$983,000. The other alternatives were CH2M HILL to provide it all but contract out part of it at a cost of \$754,000. The alternative recommended by staff is they utilize city staff as well as one lead quality control person from CH2M HILL. That worked very well at the Medicine Park Water Treatment Plant and it provides a level of control for the City of Lawton as well as puts some liability and responsibility back on CH2M HILL. The cost for this option is \$484,000. One person will be at the plant, but we will also be getting the resources of their electrical engineers, civil engineers, structurals, etc.. The project engineer from the city would be Rusty Whisenhunt, who also worked on the Medicine Park plant.

Warren stated that option worked very well out at the Medicine Park plant.

Jackson stated with the original construction of the new sewer treatment facility, there was a failure in this area during the original construction and it ended up costing millions of dollars to repair some problems in that area. He came on board to the City Council at the time when they had to spend millions of dollars to upgrade the facility just to bring it on line. Someone needs to stay on top of this project and make sure it is inspected properly.

MOVED by Warren, SECOND by Givens, to approve Amendment #4 to the agreement with CH2M Hill, Inc. to provide joint project management and quality assurance/quality control services in the amount of \$484,000 for the Southeast Water Treatment Plant Project. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

20. Consider awarding a contract to Clifford Power Systems for the purchase of a power generator and transfer switch. Exhibits: Copy of bid sheet, Copy of specifications, Copy of bid from Clifford Power Systems.

Deputy Chief Mike Johnson, Lawton Police Department, stated this is a grant they applied for a year and a half ago and they have been awarded these funds. The grant is in three parts. Security doors have been installed on the server and they have put an automatic start up system on pump station #4 s emergency generators. He stated this will be the left over money. There is almost enough money to purchase this power generator. He has come to Council because they are short on the installation money. Homeland Security is all for buying the generator, but they want it to be hooked up to the building. He wanted to give notice that in next year s budget they will be asking for that additional money. This is a reimbursement grant which runs out in April. He feels that this is a worthy project to have a generator that will power the entire police station should the power go out. This would be viable backup for the City of Lawton. The annex building is the only city facility that has emergency power that could support city government should the power run out for any extended period of time. He is requesting some kind of assurance that the additional \$16,000 will be placed in next years budget.

Warren stated he wants to make sure there is enough money to purchase a generator that is the right size.

Johnson stated this would be the right size generator. They fell short when the installation costs skyrocketed when hurricane Katrina hit.

Warren stated if they need something bigger, this would be the time to add a little extra money.

Johnson stated they consulted PSO regarding the wattage.

Jackson questioned if the City of Lawton has emergency backup on the E-911 and dispatch systems.

Johnson stated they are located in the annex building which does have emergency backup.

Shanklin questioned what type of fuel will be used.

Johnson stated they will use natural gas which is what the building runs on now. They will have to do some plumbing work.

MOVED by Warren, SECOND by Drewry, to approve and accept the proposed contract and award Clifford Power Systems the bid for power generator and transfer switch and authorize the Lawton Police Department to purchase same contingent upon the addition of \$16,000 in the 2006-2007 budget for installation fees. AYE: Haywood, Warren, Shoemate, Givens,

Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider approving a professional services agreement for the services of a National Association of Corrosion Engineers (NACE) certified inspector for the Water Storage Tank Renovation and Maintenance Project #2005-6 and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement is on file in the City Clerk's Office.

Ihler stated the City Council awarded a contract a couple weeks ago for the painting of three towers, the 7 million gallon storage tanks and the towers on 82nd Street and 38th Street. They are asking that they protect their investment and hire an inspector that has experience with regards to understanding the sand blasting visual inspections, the humidity and temperatures as it relates to painting of a tower. There are some special experiences required. Staff located an inspector from Del City that has agreed to sign a contract for \$40 an hour plus expenses.

Shanklin questioned when they painted the industrial tower.

Ihler stated 1998. It had some lead based paint so they had to shroud it.

MOVED by Warren, SECOND by Shoemate, to approve a professional services agreement with Dan Howie for the inspection services for the Water Storage Tank Renovation and Maintenance Project #2005-6 and authorize the Mayor and City Clerk to execute the agreement. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood stated the reason there is a Black History Month is because of a man from Harvard University named Dr. Carter Godwin Woodson. In his effort he realized that no one knew of the contributions that black Americans have made in the United States. Black history is American history. In his efforts to bring national attention, Woodson organized the first negro week in the second week of February, 1926. He chose this date to coincide with the birthday of Frederick Douglass and Abraham Lincoln, two men who have championed the cause of black population in America. Over time the Annual Negro History Week evolved into Black History Month.

Haywood stated he previously distributed some material dealing with the park situation. He reviewed some signs currently in city parks. He requested the City Attorney read from the City Code Section 19-7-701A which states that all parks shall close at 11 p.m. each day until 6 a.m. of the succeeding day. Entry into any city park by any person during those hours is prohibited except by written permission of the city. Any activity specifically authorized or sanctioned by the city shall be exempted from the closing hours established.

Haywood questioned if he was in a park at 3:00 p.m. and he receives a citation for parking after hours in a park. Is this a valid citation?

Vincent stated if the ticket lists a citation for parking after hours and it was issued at 3:00 p.m. in the afternoon, it would not be a valid ticket.

Vincent read from the City Code which states that no person shall park any vehicle upon any of the roads, drives, avenues or parking lots or any other authorized parking space within any park when the person is not using the park for any of the related or adjoining facilities. This section shall not apply to city employees or its contractors in the conduct of city business.

Haywood questioned if he is sitting in his car at Elmer Thomas Park eating lunch, is he in violation?

Vincent stated yes that is a technical violation, but he does not believe that is the intent when it was passed by City Council.

Haywood stated there needs to be signs posted in all of the parks. What prohibits people from sitting in their cars and watching the ducks?

Vincent suggested that he work with the Parks Director and the Chief of Police to look at this section of the City Code and come back with some clarity language.

Haywood stated he would also like to see some more signs posted.

Patton stated he is sorry to report that a good friend, Garrette Mantle resigned from Cameron University. He is not sure if he will be leaving this community, but he and his wife are two of the greatest people you would want to meet.

Shanklin questioned what the City Manager has heard about the proposed shopping center on 82nd Street.

Mitchell stated he has a meeting with Mr. Oldacre the following day. He has not heard anything from the developer in weeks.

Shanklin stated he received something in the mail regarding the TIF area expanding to 14th Street.

Mitchell stated that is the recommendation of the review committee. That recommendation will go to both the City Planning Commission and the City Council.

Shanklin stated that is his ward and he is interested and believes it should be expanded. He questioned why they don't go all the way into Ward 7. He had heard that commercial was not going to generate that much revenue in tax increments. He questioned if they would receive minutes from the TIF committee meetings.

Givens stated Mr. Shanklin is welcome to come to the meetings.

Jackson stated the Downtown Kiwanis Club Annual Pancake Day is scheduled for April 10th and 11th at the Coliseum.

Drewry stated she has received many calls regarding the apartments going up between 45th and 52nd. She understands the concerns of the residents and we have to start thinking about a way to protect our residents. This is the second situation she has had in her ward and she is very concerned. She stated she is selling tickets for breakfast for the Boys and Girls Club. The date is March 10th at 6:30 a.m. at Golden Corral.

Givens stated that even though it may be too late for those residents on 45th Street, they need to look at the impact the project will have on the neighborhood with respect to ingress and egress or the traffic it will create. There needs to be restrictions. He requested that staff look at those issues.

Patton stated they need to look at those ball fields owned by the City of Lawton. It is a major pain to get into that area.

Givens stated they need to look at the impact of these projects. It seems that they could have some kind of restriction with respect with the building permit process and what is allowed.

Vincent stated staff met that afternoon to discuss this issue and questioned if the City Council would want staff to look at a height to set back ratio or different types of screening requirements. They could look at the building permit side for projects already zoned and also look at the zoning requirements.

Mitchell stated the City Planning Commission has a committee looking at the 20/30 Land Use Plan which is very critical and will help address some of these issues. It is very important for everyone to adhere to that plan once it is adopted. It does not make sense to have a land use plan and amend it at every request.

Shanklin stated he has a hard time telling someone what they can and can't do with their property.

Mayor Purcell stated one of the problems that the City Council has created in the past is amending the land use plan. The Council will have to stand up at some time and say no.

Shanklin stated the 20/30 land use plan is someone's opinion.

Mayor Purcell stated everyone has input in that plan and once it is decided and blessed by the City Planning Commission and the City Council that is what it should be. This spot zoning is causing some of these problems.

Haywood stated it is going to be congested out at Eisenhower. The schools need to start building.

Mayor Purcell stated Lawton Public Schools is well aware of where they need new schools. They are waiting on numbers and where people are going to build. They also know they need to expand in the secondary schools.

Shoemate stated Smokey Torbert had passed away. He was a very strong supporter of youth in our community. He would like to do something to salute him for all he has done for the youth and Cameron University.

Mayor Purcell asked Mr. Shoemate to let him know what he would like to do.

COL Uberti stated on Saturday, March 4th construction will begin on Sheridan Road from Fort Sill Boulevard east to Randolph Road. North/South traffic will be able to cross Fort Sill Boulevard, Condon Road and Geronimo Road. He stated

the work should be finished in mid summer.

Mitchell stated staff is just now starting to review the construction plans for the apartments on 52nd Street. They will most likely request a traffic impact study from the developer. He and the Director of Public Works have been talking about improvements to 52nd Street. Those plans should be done by the time the apartment project is completed.

Mayor Purcell reminded the City Council of the swearing in ceremony on Monday, March 6th at 9:00 a.m.

The Mayor and Council convened in executive session at 8:02 p.m. and reconvened in regular, open session at 8:20 p.m. Roll call reflected all members present with the exception of Councilmember Patton.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Traci Hushbeck, City Clerk, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Purcell read the title of item 21 shown above. He said the conclusion of the City Council is that Ms. Hushbeck is doing an outstanding job for the City Council and the City of Lawton. There have been vast improvements made to that office.

MOVED by Givens, SECOND by Haywood, to increase the salary of the City Clerk to \$52,000 annually and change the language to specify that the City Clerk may attend both the national and state conference. AYE: Drewry, Shanklin, Haywood, Warren, Shoemate, Givens. NAY: Jackson. ABSENT: Patton. MOTION CARRIED.

Jackson stated he approves 100% of the job Hushbeck has done, but he felt he had to vote against that large of an increase.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 8:24 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT